IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.4444 OF 2005

Miss Priyanka Ankush Chavan. ...Petitioner.
Vs.
The State of Maharashtra & Ors. ...Respondents.
....
Ms.Surekha P. Mahajan for the Petitioner.
Mr. V. P. Malvankar, AGP for the Respondents.
.....

CORAM : A. P. SHAH AND
DR.D.Y.CHANDRACHUD, J.

July 12, 2005.

P.C.:

Rule, by consent returnable forthwith. The AGP appearing on behalf of the Respondents waives service. By consent of Counsel and at their request taken up for hearing.

The Petitioner passed her Xth Standard Board Examinations in March 2001 in the Marathi Medium with 59.33% marks and in February 2004 successfully passed the XIIth Standard Board Examination with 64.33% marks. The Petitioner thereupon applied for admission for the D.Ed. Course in English as

the medium of instruction and was accordingly admitted to the Second Respondent. The Petitioner paid the course fees of Rs.19,000/- on 3rd November 2004. The Education Officer granted approval to the admission of the Petitioner on 17th January 2005 and forwarded the proposal for the grant of approval to the Director, Maharashtra Education, Research and Training Centre (the Third Respondent). By an order dated 1st April 2005, the Third Respondent declined to grant approval to the Petitioner on the ground that she had not complied with the requirement of having secured 65% marks in the subject of English at the Xth and XIIth Standard Examinations. In the meantime, the Petitioner has appeared for the examinations held so far of the First Year of the D.Ed. Course and has secured 53.66% marks and 54.33% marks each in the unit tests of the first semester. The Petitioner has filled up the form for appearing at the final examination of the first year of the D.Ed. Course which is to commence in October 2005.

The grievance of the Petitioner is that the Third Respondent is not justified in declining to grant approval to her

admission at this belated stage. It was urged that the Petitioner has not suppressed any information whatsoever from the authorities and if the admission was sought to be cancelled, it should have been done at the earliest in order to avoid the serious prejudice that would be caused to the Petitioner on account of the loss of an Academic Year.

We have perused the Rules for Admission governing the D.Ed. Course and the Government Resolution dated 24th February 2003 which prescribes that students who wish to pursue their D.Ed. Studies with English as a medium of instruction should have obtained at least 65% of marks in the subject of English at the Xth and XIIth Standard Examinations where the medium of instruction has been other than English at those examinations. For the purposes of these proceedings, we do not consider it necessary to rule on the validity on the requirement which has been spelt out in the Government Resolution dated 24th February 2003 and on the aforesaid requirement. There is, in our view, merit in the submission of the Petitioner that under Rule 13.7 of the Rules

governing admissions, the Education Officer is bound to communicate his approval or disapproval, as the case may be, of the admission granted in the management quota within a period of seven days and to submit a report thereon to the Director, Maharashtra Education, Research and Training Centre. The Petitioner has been admitted to the D.Ed. Course and it is not the case of the Respondents that she was guilty of any misrepresentation before the authorities. The Petitioner has thereafter, pursued her course of studies and has appeared for the Semester Examinations. At this late stage, the cancellation of the admission of the Petitioner would be arbitrary. On this ground alone, we are of the view that the petition must succeed. The petition is accordingly made absolute in terms of prayer clause B by setting aside the letter dated 1st April 2005 issued by the Third Respondent. The Second and Third Respondents are directed to permit the Petitioner to pursue her studies for the D.Ed. Course.

The petition accordingly stands disposed of. There shall be no order as to costs.

.....